

### **REMARKS**

This paper is submitted in response to the Restriction action issued 18 July 2005 in the above-referenced case. A restriction requirement was raised between claim Groups I-IX.

Claims 3-5, 7, 11-12, 16-17 and 20-24 are canceled without prejudice to renewal in a subsequently filed application. Claim 1 was amended to include the subject matter of canceled claims 3-5 and for clarity by substituting "trap" by "antagonist." Support for this substituting amendment is found in paragraphs 0006 and 0023. Claims 6, 9, 13 and 15 were similarly amended. New claims 25 and 26 were added which include the subject matter of canceled claims 22-23 in dependent form.

The specification is amended to attach the Sequence Listing following the figures. The Sequence Listing is submitted in paper and electronic forms, and is accompanied by a Statement under 37 CFR 1.821(f). Support for the sequence listing is found at paragraph 0022 which recites the VEGF trap VEGFR1R2-Fc $\Delta$ C1(a) (SEQ ID NOs:1-2) and incorporates the VEGF-receptor based antagonists described in WO 00/75319 which is incorporated by reference. WO 00/75319 provides the nucleic acid and amino acid sequences of VEGFR1R2-Fc $\Delta$ C1(a) in Figures 24A-24C, which sequences are the same as those listed in the instant Sequence Listing as SEQ ID NO:1 and 2, respectively. No new matter is added by these amendments and by the sequence listing.

### **Response to Restriction**

Applicants elect Group II, including claims 2-5, 6, 8, 10-14, and 16-21, drawn to a method of treating diabetes by administering a VEGF trap. Applicants elect the species of VEGFR1R2-Fc $\Delta$ C1(a), with the understanding that the applicant is entitled to consideration of claims to additional species which depend on an allowable generic claims.

### **Conclusion**

It is believed that this document is fully responsive to the election requirement raised in the Office action dated 18 July 2005. It is believed that the claims are now in condition for allowance, and such action is respectfully urged.

### **Fees**

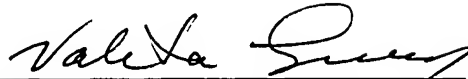
Although it is believed that no fees are due, in the event the Patent Office determines that fees are due, the Commissioner is hereby authorized to charge Deposit Account Number 18-0650 in the amount of any fees deemed to be due.

USSN10/009,852

Restriction Requirement dated 18 July 2005

Response dated 22 July 2005

Respectfully submitted

A handwritten signature in black ink, appearing to read "Valeta Gregg", written over a horizontal line.

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